

Small Business Compliance Advisory Committee (SBCAC)

Meeting Minutes on January 26, 2006

Meeting was held at: Fred Weber, Inc., 2320 Creve Coeur Mill Rd, Maryland Heights, MO 63043

Members Present: Jack Lonsinger, Doug Weible, and Bruce Morrison (*Quorum not present*)

DNR present: Jim Froelker, Bonnie Janowiak, Daniel Heppard, Layli Terrill, Scott Totten, Lucy Thompson, Roy Williford, Paul Myers, Nancy Morgan, Mike Struckoff

Guests present: Debbie Wurst (City of St. Louis Air Pollution Control program), Tim Froeschnon (St. Louis County Air Pollution Control program), Norm Plassmeyer (Osage Solutions, LLC)

I. Call to Order

Meeting was called to order at 10:15 AM. A quorum was not present.

II. Next meeting:

The next meeting will be held in Jefferson City in mid-April, preferably April 12th or 13th. The members will not be available on April 18 and 19th. Layli Terrill, staff coordinator for SBCAC, will be responsible for setting up the next meeting and contacting the members.

Items to be covered:

- A. If available, a representative from the new Rolla Satellite Office will give the regional office update.
- B. There will be an election of officers.
- C. Roy Williford will give a presentation on Stormwater issues for small businesses.
- D. Information on the EIQ.

III. Roy Williford - 401 Certification presentation

Section 404 of the clean water act requires a federal permit (404 permit) for work that “impacts waters of the United States”. A 401 certification, from the state, is required when an Army Corp of Engineers’ 404 permit is needed. If the Corp determines that a 404 permit is not required, than a 401 certification is not required.

Section 404 concerns the quantity of water that flows through the work area. Section 401 requires state certification (401 certification) that the work will not impact the quality of the water.

Section 404 has nation-wide permits. These are general permits for specific

situations. The facilities obtaining these permits agree to certain requirements. A state 401 certification is required on about half of these general permits. The rest have been pre-certified by the state. There are approximately 1300 nation-wide permit applications per year. There is no fee for the 401 certifications on nation wide 404 general permits.

If work does not fall under a general 404 permit, a site-specific permit is required. Complex projects require site-specific permits. A 401 state certification is required on all site-specific permits. The department receives about 200 site-specific permit applications per year. The fee on site-specific certifications is \$75. Denied certifications can be appealed. Some large 401 projects (certifications) take years. Smaller ones may only take hours to do. There are only 3 people in the department who do 401 certifications statewide.

As part of the 401 Certification, the department may require conditions on projects to protect water quality. These conditions follow the hierarchy of: Avoid, Minimize, and Mitigate.

1. Avoid impacting water quality.
2. If you are impacting water quality, than minimize the impact as much as possible.
3. Mitigate any water quality impact by doing water improvement projects at a ratio defined by the state. A corridor 50 feet from the water body is included when determining mitigation requirements. The mitigation should be done as close as possible to the water body being impacted.

IV. Regional Office update:

Mike Struckhoff, interim Regional Director from St. Louis Regional Office, delivered the Regional Office update.

1. Most of the Regional Office Director positions still need to be filled.
2. Doyle Childers is committed to working with businesses. He believes you can't get compliance by enforcement alone. Working with people is the way to go.
3. We are very excited about the new program, Initial Assistance Visits (IAV), which was started by Mr. Childers. It was set up to explain to companies what requirements they must meet. The need for a visit develops when a company first becomes registered or obtains a permit. The visit is optional for the company and is scheduled by appointment with the facility. Mike Struckoff has gone on two hazardous waste visits. (One large quantity and one small quantity) In both instances he found that they did not need to be registered as hazardous waste generators. Their numbers were inactivated. The companies were very pleased.
4. The permit staff is trying to reduce turnaround time for permits.
5. SLRO is hiring an engineer for the state revolving fund – wastewater treatment facilities. We hope to have him on-board in mid-February.
6. The regional office also works with drinking water permits.

7. The I/M process is really two systems. 1. Vapor recovery on the various gasoline pumps. 2. Vehicle inspection. The department is looking at other vehicle inspection options. They are considering the possibility of using the vehicle's onboard computer to determine if the vehicle is meeting the pollution requirements.
8. Air monitoring shows that St. Louis is doing better, though weather has a big affect on air quality.

V. Public Comment and Correspondence

Doyle Childers sent an email to EPA responding to their request for more information on the reorganization. (See attachment)

SBCAC will continue to operate as they have done in the past. SBCAC previously supported the Environmental Assistance Office. They will now need to advocate for the entire department.

VI. Air – EIQ (Emissions Inventory Questionnaire)

Changes to EIQ

1. No one is allowed to do the form EZ this year. The air program is putting the EZ form on the same cycle as the department's report to EPA. Every three years the department is required to send an emissions' report to EPA. The full EIQ forms will be required for the years the department sends the report to EPA. The EZ form will be available for the next two years.
2. Ammonia and PM_{2.5} are on the EIQ form this year. EPA does not list ammonia and PM_{2.5} emission factors on many operations where they are emitted. Facilities are to add this information when they can obtain it. This year it is for information only. Note PM_{2.5} is included in PM₁₀.
3. The EIQ group will report next meeting.

VII. Working Lunch

A. Update of Streambank Stabilization - Norm Plassmeyer

Very positive things are happening. Norm is working with Representative Loehner on this statewide issue. The SBCAC bringing parties together on this issue has allowed the groups to come together in a non-adversarial manner and discuss the issues. Questions have been raised. It is a good start.

In the past, if a landowner wanted to correct minor streambed issues, they usually either just did it and hoped they wouldn't get caught or just let the streamback get worse because they were afraid to correct it. During the group discussions, the existence of a nation-wide permit for many of the issues was mentioned. Many times the landowners could use this permit, but did not know about it.

Also in the late 70s the Army Corp of Engineers did a baseline study of Missouri waters. Norm's group is working on getting a copy of the study.

Some of the bigger sites are now starting to get a handle on how to fix them. There is even a possibility of some money being available to help with the “fix”.

SBCAC played a big role in elevating the discussion

Bringing all parties together in a Public meeting

People affected by these rules learned a lot

Discussions regarding what can agencies do – in a positive sense, were also very helpful.

Norm is very pleased about the outcome of the meeting. Norm and Representative Loehner would like SBCAC to continue keeping the issue “alive” by keeping it on our agenda.

B. Definition of trade waste – Open Burning Workgroup.

Paul Myers, staff coordinator for the Open Burning Workgroup, reported on the Open Burning Workgroup.

In June 2005, the department formed a workgroup to discuss open burning issues. Two issues, in particular, were the impetus to review the open burning regulations. 1. The open burning regulations are not consistent across the state. 2. The department received a petition from Bootheel citizens requesting the elimination of the agricultural exemption for open burning.

The workgroup has had six (6) meetings. The next meeting is scheduled for February 7. The workgroup has reviewed all of the state open burning air pollution regulations. The workgroup, by consensus, decided to draft a new regulation that is being developed. Paul anticipates one or two more meetings to verify the draft rule is what the workgroup wants. It will then be sent through the normal chain of operations. The draft rule will not be more lenient or less lenient than the existing rules. The workgroup is trying to make it more readable.

The SBCAC has had the burning of untreated trade waste on their agenda for about a year. The SBCAC would like to be kept apprised of the status of the open burning rule.

C. Update on Ombudsman Activities

Scott Totten, Chief Ombudsman, gave a report on Ombudsman activities.

The department now has seven (7) Ombudsmen. They have been tasked to go meet with people and find any issues or problems with the department or plans that would impact the environment. They meet with people from local agencies, other state agencies, associations, businesses, etc. The Ombudsmen file a report of these meetings (575 site reports as of yesterday). They have also started receiving calls. As follow-up, the department director, regional directors, regulatory program directors, and Scott read the reports. This can create work now, but hopefully saves work in the

end. There haven't been many contacts in Kansas City because the Kansas City Ombudsman has just been hired.

One hundred-eighty-eight (188) Initial Assistance Visits (IAV) have been conducted so far. A survey was given to the facility when an IAV was conducted. This survey was sent to the Ombudsmen. If a survey was not returned, the Ombudsman followed up with the facility to obtain a survey.

The surveys indicate the facilities appreciate the IAVs. The average score was over 9 (out of 10). The inspectors found that 55% of the facilities were already in compliance. Only two facilities appeared to have significant problems. Of these two facilities, one (1) had paperwork problems that was easily cleared up. The other facility had problems with waste going off their property.

A question was raised regarding what happens when an ombudsman starts to see problems of a particular nature. If this occurs someone would look at processes, procedures, and communication to see if they can find the root of the problems. For instance, they have been shown several letters from the department that have instantly turned off the constituent. A group has been formed to look at correspondence and boilerplate language to make the correspondence less abrasive.

There is a group overseeing the IAV / Ombudsman process. As an agency, we spend a huge amount of resources writing permits when we should be checking out more facilities. For example, we have eight (8) people writing 8,000 land disturbance permits. They don't get to see a facility unless someone complains. We need to spend less time writing permits and more time in the field. We don't find problems, they find us.

Question: Businesses are reluctant to deal with the Department of Natural Resources because they consider us like the IRS.

The Department recognizes this issue and is going out to meet people to help turn that around. The director recently presented his vision at public meetings in seven (7) communities.